

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
AT MEMPHIS

ALVIN RAY,)	
)	
Plaintiff,)	
)	
v.)	No. _____
)	
AMERICAN NATIONAL INSURANCE CO.,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441(a), *et seq.*, Defendant, American National Insurance Company¹ (“American National”), files this Notice of Removal of this action from State Court to this Court and with respect thereto would show this Court as follows:

1. The above-styled cause was commenced in the Chancery Court for Shelby County, Tennessee, Case No. CH-10-0797-2, by virtue of a Complaint filed by Plaintiff, Alvin Ray, on April 29, 2010, against American National. The Civil Action is still pending in Shelby County Chancery Court.

2. American National was served with process through the Tennessee Department of Commerce and Insurance on June 10, 2010. Pursuant to 28 U.S.C. § 1446(a), a copy of the aforementioned Complaint, along with a copy of process, are attached hereto as **Exhibit A** and made a part of this Notice by reference.

3. American National has, to date, made no appearance in the Civil Action in the Shelby County Chancery Court.

¹ Defendant is incorrectly named as American National Insurance Co. in the Complaint.

4. The Civil Action is one of which this Court has diversity of citizenship jurisdiction pursuant to 28 U.S.C. § 1332 and removal jurisdiction pursuant to 28 U.S.C. § 1441 in that:

- (a) American National, both at the time of filing of the Civil Action and as of the date of filing of this Notice, was and is a corporate citizen of the State of Texas in that it is and was incorporated in the State of Texas, with its principal place of business in Galveston, Texas.
- (b) Plaintiff, Alvin Ray, both at the time of filing of the Civil Action and as of the date of filing this Notice, was and is a citizen of the State of Tennessee.
- (c) Diversity of citizenship exists between all parties properly joined in that they are citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs.
- (d) This action is within the original jurisdiction of the Court pursuant to the provisions of 28 U.S.C. § 1332.

5. American National has filed this Notice prior to the expiration of thirty (30) days following its receipt of a copy of the Complaint.

6. American National will give written notice to Plaintiff and will file a Notice of Filing of Notice of Removal with the Clerk of the Chancery Court of Shelby County, Tennessee. American National attaches a copy of the Notice of Filing of Notice of Removal as **Exhibit B**.

7. American attaches a copy of all other pleadings filed with the Clerk of the Chancery Court of Shelby County, Tennessee as **Exhibit C**.

8. The judicial district and division of the Court embraces Shelby County, Tennessee, the place where the Civil Action is pending.

WHEREFORE, Defendant, American National Insurance Company, files this Notice for the purpose of removing this action from the Chancery Court for Shelby County, Tennessee, to the United States District Court for the Western District of Tennessee.

s/ S. Russell Headrick
S. Russell Headrick (B.P.R. No. 005750)
Attorney for Defendant
American National Insurance Company

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 7, 2010, a true and exact copy of the foregoing **Notice of Removal** was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

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Dewun Settle
Clerk & Master
Shelby County Chancery Court
140 Adams Avenue, Room 308
Memphis, Tennessee 38103-2018

s/ S. Russell Headrick
S. Russell Headrick